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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,776	11/18/2002	Christopher Chen	23391/I	2410

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EXAMINER

LARSON, LOWELL A

ART UNIT PAPER NUMBER

3725

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/065,776

Applicant(s)

CHEN, CHRISTOPHER

Examiner

Lowell A. Larson

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 to 56 is/are pending in the application.  
4a) Of the above claim(s) 1 to 17 and 48 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 18 to 47 and 49 to 56 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 18, 27 and 47 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Perfido et al. in view of Finkbeiner for the reasons set forth in Paragraph 3 of the last Office action (Paper mailed November 16, 2004).

Applicant's remarks in the response filed June 20, 2004 have been considered but are not found to be persuasive. In particular, it is pointed out that the claims now require the material to be mixed with a flow agent which improves the recovery of ultra fine material fractions.

Finkbeiner discloses tire grinding and screening with the addition of friction reducing powders in order to improve the flow characteristics of the particulate material. Improving the flow characteristics would inherently increase the recovery of small particles, as now recited in the claims, since agglomeration of the material would be inhibited. To add a flow improving powder to the particles of Perfido et al. would have been obvious, following the suggestion of Finkbeiner, in order facilitate separation and recovery of the material.

Perfido et al. additionally discloses plural screening and collection of the particulate materials, as now required by these claims.

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3. Claims 19, 20 and 28 to 42 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Perfido et al. in view of Finkbeiner and Muro for the reasons set forth in Paragraph 4 of the last Office action.

4. Claims 21 to 26 and 43 to 46 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Perfido et al. in view of Finkbeiner along with Muro and McMillan et al. for the reasons set forth in Paragraph 5 of the last Office action.

5. Claims 49 to 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perfido et al in view of Finkbeiner, as applied to Claims 18 and 27 above, and further in view of Just.

These claims require the flow agent addition to be carbon black. Just shows it is known in the art to employ carbon black in the amounts required by these claims as an additive in tire grinding in order to decrease friction and agglomeration and improve flow characteristics. Carbon black is thus considered to be an equivalent material to the talcum powder disclosed by Finkbeiner for use as an additive to enhance flow characteristics of particulate material since the same results are achieved.

It would have been obvious to one skilled in the art to use carbon black as an additive in the grinding of Perfido et al., modified as suggested by Finkbeiner, instead of talcum powder to improve flow characteristics merely as an obvious exercise of designer's choice in selecting between known equivalent materials. Selection of any particular brand name carbon black, as recited in Claims 50 and 54, is given no patentable weight since all carbon black has "similar characteristics", i.e., its all black.

### ***Conclusion***

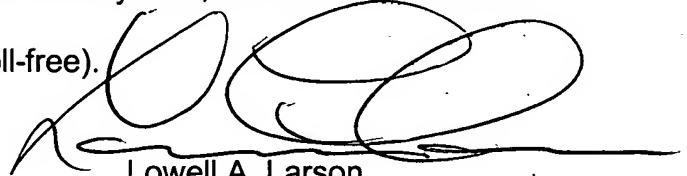
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lowell A. Larson whose telephone number is (571) 272-4519. The examiner can normally be reached from M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks Derris can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Lowell A. Larson  
Primary Examiner  
Art Unit 3725

LAL  
August 12, 2005